

ARTICLE 9

THE FILING AND PROCESSING OF APPLICATIONS

PART 0 9-000 PURPOSE, INTENT AND APPLICABILITY

9-001 Purpose and Intent

It is the purpose and intent of this Article to establish the requirements for the filing, review and approval of amendments to the Comprehensive Plan, this Ordinance and the Zoning Map of Fauquier County and for obtaining of all permits required by this Ordinance.

9-002 Content and Applicability

This Article contains the following Parts:

PART 1	Filing and Processing of Applications- General Requirements
PART 2	Comprehensive Plan Amendments
PART 3	Zoning Ordinance Text Amendments
PART 4	Zoning Map Amendments
PART 5	Special Exceptions and Special Permits
PART 6	Administrative Special Permits
PART 7	Site Plans
PART 8	Planning Commission Permits
PART 9	Zoning Permits

PART 1 9-100 GENERAL PROVISIONS

9-101 Initiation of Amendments

- . Whenever public necessity, general welfare or good zoning practice requires, the Board may by general ordinance amend, supplement or change the regulations, restrictions, district boundaries or classification of property established by majority vote; provided, that no such action may be taken until after public hearings have been held in accordance with the provisions of Section 15.2-2204, Code of Virginia. At such public hearings, parties in interest and citizens shall have an opportunity to be heard.

The text of this Ordinance, **the text of the Comprehensive Plan**, and any zoning district boundary shown on the Zoning Map, or

any designation shown within the Comprehensive Plan, may be amended by the Board provided that the process for any amendment shall be initiated only in the following manner:

1. By the adoption by the Planning Commission of a motion of intention to propose an amendment; or
2. By the adoption by the Board of a resolution of intention to amend, which resolution, upon adoption, shall be referred to the Planning Commission; or
3. By the filing with the **Department of Community Development** of an application by the owners, contract purchasers, or their agents of the land proposed to be modified, which application shall be sworn to under oath or affirmation and acknowledged before a notary public;
4. By the filing with the Department of Community Development of an application by members of the general public for amendments to this Ordinance and the Comprehensive Plan

9-102

Filing of Applications

Every application or appeal filed pursuant to paragraphs three and four above shall be filed on forms prescribed by the Department of Community Development. The application shall include the payment of any required filing fees as determined in accordance with a fee schedule adopted by the Board.

9-103

Timelines for Processing and Acting on Application

Applications and appeals shall **in general** be heard and considered in the order in which they are officially filed. **However**, no application or appeal shall be officially on file **and any timeline for review and action required by this Ordinance shall not begin unless and until the application or appeal and all required information and accompanying submissions are submitted and accepted as being complete. Notwithstanding any other provision of this Ordinance relating to timelines, an applicant may request or consent to a timeline extension.**

9-104

Conflicts of Interest

When any application **affecting a specific piece of property** is filed under the provisions of this Ordinance by a property owner, contract purchaser or the agents thereof, such application shall be sworn to under oath before a notary public, stating whether any member of the Board or the Commission has any interest in the property which is the subject of the application, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust or whether a member of the immediate household of any member of the Board or Commission has any such interest.

9-105 Waiver or Variance of Submission Requirements

The Director may waive or vary any of the submission requirements contained in this Article where, in his discretion, the requirement is unnecessary because of the scale or impact of the project, provided however, the Planning Commission, the BZA, or the Board shall have the authority to require the applicant to provide **during its consideration of an application** any submission requirement document notwithstanding any waiver or variance granted by the Director.

9-106 Required Notice

Any applicant applying to the Board of Supervisors, Planning Commission, or Board of Zoning Appeals **or appellant filing an appeal under the provisions of this Ordinance** shall be responsible for the giving of all notices required by this Ordinance or Section 15.2-2204 of the Code of Virginia, as amended. All notices given by any applicant or appellant shall be given as provided by Section 15.2-2204 of the Code of Virginia, as amended. The applicant or appellant may rely upon records of the Commissioner of Revenue to ascertain the names of persons entitled to notice. A certification and a listing of the persons to whom notice has been sent shall be supplied by the applicant or appellant to the Zoning Administrator not less than five (5) days prior to the first public hearing required on the application or appeal. In the case of a condominium or of a cooperative, any written notice required under this Ordinance may be mailed to the unit owners' association or proprietary lessee's association, respectively, in lieu of each individual unit owner. The Commission shall not recommend, nor the Board adopt, any plan, ordinance or amendment, change in district boundaries or classification of property, until the notice and public hearing(s) requirement as contained herein have been accomplished.

9-107

Conduct of Public Hearings

All public hearings as required by this Ordinance shall be conducted in accordance with the following provisions:

1. No public hearing shall be held unless the notice requirements of this Ordinance **and the Code of Virginia, as amended,** have been satisfied.
2. All hearings shall be open to the public. Any person may appear and testify at such hearing, either in person or by an authorized agent or attorney.
3. The hearing body shall by general rule prescribe procedures for the conduct of hearings.
4. The chairman, upon a vote of the majority of members, may adjourn a hearing to a date certain within sixty (60) days without the necessity of additional notice. If a hearing is adjourned to a date uncertain or to a date in excess of sixty (60) days, new notice shall be given for such adjourned hearing. If a hearing is concluded, but action is deferred until a future date, no additional notice shall be required prior to action being taken. Notwithstanding anything in this Section to the contrary if a hearing on an amendment to the Zoning Map is continued written notice to adjacent property owners shall be remailed.
5. Where deemed necessary, it shall be in order to conduct a joint Planning Commission-Board of Supervisors public hearing.

9-108

Referral to Planning Commission, Action by Planning Commission

In accordance with Title 15.2, Code of Virginia, **as amended,** proposed amendments to the **Comprehensive Plan,** this Ordinance and changes in district boundaries or classification of property shall be referred by the Board, or in the case of applications by owners, contract purchasers or agents by the Director of Community Development, to the Planning Commission. The Commission shall consider the proposed amendment or resolution and, after notice and hearing, shall send to the Board its recommendation. Failure of the Commission to report to the Board within ninety (90) days after **the public hearing** shall be deemed approval by the Commission, provided, however, the date by which the Commission must send its recommendation to the Board

may be extended by the mutual agreement of the applicant and the Commission.

9-109

Board of Supervisors Approval

Upon receipt of the Commission's recommendation concerning any proposed amendment to the **Comprehensive Plan**, this Ordinance, changes in district boundaries or classification of property, the Board shall, after due notice as required by this Ordinance **and the Code of Virginia, as amended**, hold at least one (1) public hearing, after which the Board may make appropriate changes or corrections in the Ordinance or proposed amendment; provided, that no land may be zoned to a more intensive use classification than was contained in the public notice, without an additional notice and public hearing. The Board shall render a decision on any proposed amendment to **the Comprehensive Plan**, this Ordinance, changes in district boundaries or classification of property not later than one (1) year after the date the of referral, if Board initiated, or when the application was deemed **officially** filed by the Zoning Administrator, provided, however, the date by which the Board must render its decision may be extended by the mutual agreement of the applicant and the Board.

9-110

Refiling of Application Following Denial or Withdrawal.

Upon denial or withdrawal of any application for a proposed amendment to the **Comprehensive Plan**, this Ordinance, change in district boundaries, or classification of property, no further application for substantially the same amendment or change as applied for in the application which was denied or withdrawn shall be filed within one (1) year of such denial, or, in the case of withdrawal after the publication of notice of the public hearing before the Board, within six (6) months of the withdrawal date.

9-111

Contesting a Decision

Any action contesting a decision of the Board adopting or failing to adopt a proposed **Comprehensive Plan or Zoning Ordinance text or map amendment** shall be filed within thirty (30) days of such decision with the Circuit Court having jurisdiction of the land affected by the decision. However, nothing in this subsection shall be construed to create any new right to contest the action of the local governing body.

Appeals and Variances

Ordinance provisions relating to appeals and variances are in Parts 2 and 3 of Article 10.

PART 2

9-200 COMPREHENSIVE PLAN AMENDMENTS

9-201

Requirement for a Comprehensive Plan Amendment

A Comprehensive Plan Amendment **shall be** required in the following instances:

1. For Commercial and Industrial Uses
 - A. When a **rezoning** request is for a zoning district other than that which is shown on the Comprehensive Plan;
 - B. When a rezoning request includes more than five (5) acres which are not within a boundary, **such as a Service District boundary**, shown in the Comprehensive Plan. Such acreage shall be cumulative per parcel, and shall apply to the applicable Comprehensive Plan five (5) year review period; or
 - C. When any portion of the request **regardless of land area** extends a Comprehensive Plan boundary **beyond what** is indicated as a definite location in the Plan, such as a road, ridge line, or drainage divide.
2. For Residential Uses
 - A. **When the rezoning request is for uses or densities not otherwise in conformance with the Comprehensive Plan**
 - B. When any portion of the request extends a Comprehensive Plan boundary **beyond what** is indicated as a definite location in the Plan such as a road, ridge line, or drainage divide.
3. For Public Facility or Utility Uses
 - A. When the proposed location of facilities and utilities such as schools, sewage treatment plants, community facilities, etc., **are not in conformance with the**

Comprehensive Plan.

9-202

Submission of Comprehensive Plan Amendments

Comprehensive Plan amendments will be processed twice a year with January 1 **and July 1** being the filing deadline. Filing of Comprehensive Plan map and text amendments shall be submitted through the **Department of Community Development**.

9-203

Submission Requirements for Comprehensive Plan Amendments

The following information shall **be submitted as part of** any Comprehensive Plan Amendment request:

1. An application **pursuant to Section 102 above**.
2. A statement of justification in which the applicant shall address the following as applicable:
 - a. Creative Concepts - presentation of innovative approaches to land use not currently contemplated in the Comprehensive Plan.
 - b. Oversights - the subject property was omitted or misinterpreted in the original plan review process.
 - c. Change in Circumstances - there has been a significant change in surrounding land use since the original Plan review process.
 - d. Goals - the goals of the Plan would be better met with the proposed modification, or better implemented if such amendments are adopted.
 - e. Hardship - an applicant has a unique hardship on the subject property not identified in the original Plan review process. Such "hardship" shall be similar in definition to that as defined in this Ordinance.
3. Information on the subject property as follows:
 - a. Size, location, and historical features.
 - b. Environmental features and impacts.

- c. Transportation conditions and impacts.
 - e. Public facilities and utilities, and their availability to the site, as well as an analysis of the facility and utility needs which will be generated as a result of the proposed amendment.
 - f. Existing zoning and Comprehensive Plan information for the subject property.
 - g. Fiscal impact analysis of the proposed amendment, **if applicable.**
4. Ten (10) copies of a map of the subject property or location containing the following information:
- a. Scale, north arrow, and date of plat.
 - b. Magisterial district.
 - c. Location of all roads and/or access easements, their names and/or route numbers.
 - d. Total acreage.
 - e. Current zoning and land use.
 - f. Vicinity map.
 - g. All property boundaries.
5. Language of any proposed text amendment or graphics for any proposed map changes or additions with corresponding references to page numbers in the adopted Comprehensive Plan.

9-204

Processing of Amendment Requests

Once officially filed, **a request for a Comprehensive Plan amendment** shall be advertised for a regularly scheduled Planning Commission public hearing to be held no later than ninety (90) days from the filing date **unless the applicant makes and the Director approves a written request to defer the public hearing.**

Article 9: Filing and Processing of Applications
Planning Commission Draft
January 21, 1999

Requirements pertaining to notification, the conduct of public hearings, Planning Commission and Board action shall be as set forth in Sections 106 through 109 above.

PART 3 9-300 ZONING ORDINANCE TEXT AMENDMENTS

9-301 Submission of Requests

Zoning Ordinance text amendment requests will be processed semi-annually with June 1 and December 1 of each year being the filing deadlines. Text amendments initiated by resolution of the Board of Supervisors or by motion of the Planning Commission are exempt from this provision.

9-302 Submission Requirements

Requests for text amendments shall be submitted **to the Department of Community Development** in letter form addressed to the Chairman of the Board. **All requests shall, at a minimum, state** the reasons for such an amendment, as well as suggested wording change proposed for amendment with corresponding section numbers from the Ordinance.

9-303 Processing of Amendment Requests

Once officially filed, **a request for a text amendment** shall be advertised for a regularly scheduled Planning Commission public hearing to be held no later than ninety (90) days from the filing date **unless the applicant makes and the Director approves a written request to defer the public hearing. Requirements pertaining to notification, the conduct of public hearings, Planning Commission and Board action shall be as set forth in Sections 106 through 109 above.**

PART 4 9-400 ZONING MAP AMENDMENTS (REZONINGS)

9-401 Submission of Applications

Zoning Map amendment (rezoning) requests may be submitted at any time.

9-402 Submission Requirements

All applications to amend the Zoning Map, initiated by an application by the owners, contract purchasers, or their agents of the land proposed to be modified shall be filed with the **Department of Community Development** and shall include the following information:

1. Ten (10) copies of an application on forms provided by the County, completed and signed by the applicant or by his agent.
2. Ten (10) copies of a certified plat of the subject property. The certified plat shall show:
 - (a) Metes and bounds of all property lines, and bearings and distances of each zoning district.
 - (b) Total area of the property presented in square feet or acres.
 - (c) Scale and north arrow.
 - (d) Location of all existing buildings and structures.
 - (e) Names and route numbers of all boundary roads or streets, and the width of the existing right(s)-of-way.
 - (f) Existing topography with a five foot contour. Other contour interval(s) may be accepted as needed by the Director or his designated agent.
 - (g) General vicinity map at a scale of 1 inch = 2000 feet.

- (h) Seal and signature of person preparing the plat.
- 3. Ten (10) copies of a concept development plan for the subject property. The concept development plan shall show:
 - (a) Proposed land uses and their locations.
 - (b) Proposed road network.
 - (c) General drainage pattern.
 - (d) Location of open space.
 - (e) Architectural renderings.
- 4. A conflict of interest statement as set forth in Section 103 above
- 5. Ten (10) copies of a written statement of justification, dated and signed by the applicant or his agent. This statement will address the compatibility of the request with the adopted Comprehensive Plan, its goals and objectives.

9-403

Processing of Applications

Applications for Zoning Map amendments shall not be officially accepted and considered filed until all submission requirements listed in Section 9-402 above have been met. Once officially filed, an application shall be advertised for a regularly scheduled Planning Commission public hearing to be held no later than ninety (90) days from the filing date **unless the applicant makes and the Director approves a written request to defer the public hearing**

Requirements pertaining to notification, the conduct of public hearings, Planning Commission and Board action shall be as set forth in Sections 106 through 109 above.

9-404

Proffered Condition Regulations

As part of any application for the amendment of a zoning district map the owner or owners of the property involved may, prior to the public hearing before the Board, voluntarily proffer in writing such reasonable conditions, in addition to the regulations provided for the zoning district or districts as set forth in this Ordinance, as

the owner or owners deem appropriate for the particular case. An application containing written proffered conditions, in accordance with Section 15.2-2298, Code of Virginia, as amended, shall be signed by the applicant and any person having an ownership interest in the property. Proffered conditions shall be subject to the following procedures and regulations:

1. Once conditions to be proffered are signed and made available, and the public hearing before the Board has commenced, no change or modification to any condition, **which in the decision of the Zoning Administrator would increase the intensity or impact of the use**, shall be proffered at **or after** that public hearing. If modified or additional conditions **which increase the intensity or impact** are proposed, a second public hearing before the Board shall be held before the application and the modified or additional conditions can be approved.
2. Any amendment to the Zoning Map, adopted subject to proffered conditions, shall be annotated on the Zoning Map and all other land records referencing the conditions as adopted.
3. Proffered conditions shall become a part of the zoning regulations applicable to the property in question, unless subsequently changed by an amendment to the Zoning Map, and such conditions shall be in addition to the specific regulations set forth in this Ordinance for the zoning district in question.
4. Upon approval of the proffered map amendment, any site plan, submission plat or development plan thereafter submitted for the development of the property in question shall be in substantial conformance with all proffered conditions and no development shall be approved by any County official in the absence of such substantial conformance.
5. For the purpose of this Section, substantial conformance shall mean that conformance which leaves a reasonable margin for adjustment due to final engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials presented by the applicant.
6. Once conditions have been approved, and there is cause for

an amendment which would not be in substantial conformance with the proffered conditions, or there is a request to proffer conditions on a parcel not currently the subject of a proffered condition, then an application shall be filed for an amendment.

7. The Zoning Administrator shall be vested with all necessary authority on behalf of the Board to administer and enforce proffered conditions. Such authority shall include the ability to order, in writing, the remedy of any non-compliance with a proffered condition and the ability to bring legal action to insure compliance including injunction, abatement or other appropriate action or proceedings, as provided for in Part 4 of this Article **11 relating to violations, infractions and penalties.**

8. The Zoning Administrator, or his agent, may require a guarantee, satisfactory to the Board, in an amount sufficient for and conditioned upon the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee may be reduced or released by the Board or agent thereof, upon the submission of satisfactory evidence that the construction of such improvements has been completed in whole or in part.

9. Failure to meet or comply with any proffered condition shall be sufficient cause to deny the issuance of any permits as may be deemed appropriate by the Zoning Administrator.

10. Any person aggrieved by a decision of the Zoning Administrator regarding any proffered condition may appeal such decision to the Board. Such appeal shall be filed within thirty (30) days from the date of the decision appealed by filing a notice of appeal with the Zoning Administrator. Such notice shall be a written statement specifying the grounds on which aggrieved and the basis for the appeal.

11. In the event proffered conditions include a requirement for the dedication of real property of substantial value, or substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the rezoning itself, then no amendment to the Zoning Map for the property subject to such conditions, nor the conditions themselves, nor any amendments to the text of the Zoning Ordinance with respect to the zoning district applicable thereto initiated by the

Board, which eliminate, or materially restrict, reduce, or modify the uses, the floor area ratio, or the density of use permitted in the zoning district applicable to such property, shall be effective with respect to such property unless there has been a mistake, fraud, or a change in circumstances substantially affecting the public health, safety or welfare. Nothing in the Section shall preclude the Board from accepting proffered conditions which make the zoning conditional upon the substantial implementation of the proffers, including provisions which safeguard the Board's ability to rezone the property if the proffers are not implemented.

9-405 Matters to be Considered in Reviewing Proposed Zoning Map Amendments

Proposed **zoning map** amendments shall be considered with reasonable consideration of the existing use and character of the property, the suitability of the property for various uses, the trends of growth or change, the current and future requirements of the

County as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services; the conservation of natural resources, the preservation of floodplains; the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County. These considerations shall include, but not be limited to, Comprehensive Plans or parts thereof, capital improvements programs, relation of development to roads or road construction programs, proximity of the development to utilities and public facilities, the existence of an Agricultural and Forestal District created pursuant to Chapter 36 of the Code of Virginia, and any applicable standards contained in Article **8 and elsewhere in this Ordinance.**

PART 5 9-500 SPECIAL EXCEPTIONS AND SPECIAL PERMITS

9-501 Purpose and Intent of Special Exceptions and Special Permits

There are certain uses which, by their nature, can have an undue impact upon or be incompatible with other uses of land within a given **zoning** district. These uses as described may be allowed to locate within certain designated **zoning** districts under the controls, limitations and regulations of a special permit. In addition, there are instances similar to those in which a use may be appropriate

under a special permit, including cases in which standards and regulations specified for certain uses allowed within a given district should be allowed to be varied within limitations in the interest of sound development. Such uses as described may be allowed to locate within a given designated district under the provisions of special exceptions. The issues involved in special permits involve primarily the immediate neighborhood to be affected. Special exceptions involve issues concerning the neighborhood as well as potential impacts on the general area, the Comprehensive Plan and, in some cases, the County as a whole. Special exceptions **are granted by the Board after public hearings as required by law and recommendation from the Planning Commission.** Special permits **are** granted by the BZA **after a public hearing as required by law.**

9-502

Authorization

In consideration of an application filed **in accordance with Section 9-102 above**, the BZA or the Board may authorize the establishment of those uses that are expressly listed in Articles 3, 4, 5, 6, and 7 **as uses permitted by special permit and special exception** in a particular zoning district provided, however, that no such permit shall be required for a **use listed as a permitted by right in such district.**

9-503

Application for Special Permit or Special Exception

1. An application for a special permit or special exception may be made in accordance with the submission requirements set forth below by any property owner, owner of an easement, possessor of the right of entry under the power of eminent domain, lessee, contract purchaser, or any official, department, board or bureau of any government. A contract purchaser, lessee or owner of an easement shall file with the application a copy of the contract or some form of written statement which indicates the endorsement of the application by the property owner.
2. The application shall be filed with **the Department of Community Development in accordance with Section 102 above and shall include the submission of all materials required by Section 505 below unless modifications or waivers are granted by the Director.** An application for a special permit shall be filed not later than twenty-four (24) calendar days prior to the date of the BZA meeting at which it

will first be placed on the agenda. An application for a special exception shall be submitted not later than forty (40) calendar days prior to the first Planning Commission meeting at which it may be considered and must be filed not later than thirty (30) calendar days prior to said meeting. An application is considered officially filed if the Department accepts it after review.

9-504

Process

- 1. For special permit applications, the BZA shall hold a public hearing in accordance with the provisions of Section 107 above. The BZA shall render a decision on all applications for special permits not later than sixty (60) days following the hearing, except for cases which might require additional time in order to obtain a Planning Commission permit as required by Part 8 of this Article. The BZA may extend the time limit beyond sixty (60) days with the concurrence of the applicant.**
- 2. For special exception applications the Planning Commission shall hold a public hearing in accordance with the provisions of Section 107 above. The Commission shall, not later than its next regular monthly meeting, unless an extended period is mutually agreed to by the applicant and the Commission, forward a recommendation concerning the proposal to the Board. However, notwithstanding this action timeline, the Planning Commission may extend this time limit if the applicant consents to or requests an extension.**
- 3. The Board shall hold a public hearing on all applications for special exceptions in accordance with the provisions of Section 9-107 within forty-five (45) days of the referral from the Planning Commission and shall render a decision on all applications for special exceptions not later than sixty (60) days from the date of public hearing. The time limits may be extended beyond sixty (60) days with concurrence of the applicant and the Board.**

9-505

Submission Requirements for All Applications

All applications for special permits and special exceptions shall be accompanied by the following items unless modified or waived by the Director in accordance with Section 104 above.

Additional submission requirements for specific uses are listed in Sections 506 below.

1. Ten (10) copies of an application on forms provided by the County, completed and signed by the applicant. **The application shall contain an explicit statement of the proposed use.**
2. Ten (10) copies of a conflict of interest statement provided by the County, completed and signed by the applicant.
3. Ten (10) copies of a plat drawn to a designated scale determined by consultation with the **Zoning Administrator or** Director or his designated agent, containing the following information as applicable:
 - A. Boundaries of entire property, with bearings and distances on all boundary lot lines.
 - B. Total area of the property in square feet or acres.
 - C. Scale and arrow north.
 - D. Public right(s)-of-way, including names, route numbers and width.
 - E. Proposed means of ingress and egress to the property from a public street(s).
 - F. Parking spaces, existing and/or proposed, indicating minimum distance from the nearest property line.
 - G. Where wells and/or septic fields are proposed, soils analysis/information indicating general feasibility of proposed use or indication that the subject property is served by public water and/or sewer. Where appropriate, a statement from the Health Department indicating that available facilities are adequate for the proposed use.
 - H. A map (3 inches by 3 inches) giving the general vicinity of the subject property.
 - I. Where applicable, seating capacity, usable outdoor recreation area, emergency access, bicycle parking, fencing, limits of clearing, landscaping and

screening, outside lighting, loud speaker, required and/or proposed improvements to public right(s)-of-way.

- J. Seal and signature of person certifying the plat, **if a certified plat is required.**
4. Ten (10) copies of a statement of justification to include the following as applicable:
- A. Type(s) of operation(s).
 - B. Hours of operation.
 - C. Estimated number of patrons/clients/patients/pupils/etc.
 - D. Proposed number of employees/attendants/teachers, etc.
 - E. Qualifications of application and operators of the proposed use. Where applicable, submit a copy of professional or occupational certification or license.
 - F. Estimate of traffic impact of proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.
 - G. Vicinity or general area to be served by the use.
 - H. For other than residential development, description of building facade and architecture of proposed new building or additions
 - I. A statement that the proposed use conforms to the provisions of all applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinance, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.
5. Ten (10) copies of the Fauquier County Parcel Identification Map with the subject property highlighted in red.

6. Photographs of the property showing existing structures, terrain and vegetation, **if desired**.
7. If the applicant is not the owner of the property involved in the application, evidence must be submitted showing that the applicant will have the right to use the property as proposed. A copy of a properly executed lease or contract to purchase, with financial terms deleted if so desired, will normally suffice to meet this requirement.

9-506

Additional Submission Requirements for Specific Uses

In addition to the above general submission requirements certain uses require additional material as indicated in paragraphs 1 through 4 below:

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1. Extraction Uses:
 - A. A drawing at a scale of one (1) inch equals **400** feet, submitted in ten (10) copies on sheets not larger than 30 inches by 42 inches, showing the following items for the tract upon which the development is proposed and all the land within 2000 feet of such tract:
 - 1) Property lines (from tax records).
 - 2). Names of current owners (from tax records).
 - 3) Current uses (delineating uses within parcels upon which different uses are conducted, e.g., pasture, woodland, cropland, residential, etc.).
 - B. A schematic plan of the proposed use and a narrative explanation of the applicant's development proposal indicating:
 - 1) The uses, facilities, and equipment to be located on the tract in connection with the proposed use.
 - 2). Proposed roads (including surfacing) and entrances to state roads.
 - 3). The general location of the items listed in 1 and 2 above.
 - 4). Reclamation plan.

- C. Documented proof that all performance standards can be met.

2. Public Utilities:

- A. Ten (10) copies of a map showing the utility system of which the proposed use will be an integral part, together with a written statement outlining the functional relationship of the proposed use to the utility system.
- B. Ten (10) copies of a statement, prepared by a certified engineer, giving the basic reasons for selecting the particular site as the location for the proposed facility and certifying that the proposed use will meet the performance standards of the district in which located.

3. Transportation Uses:

- A. All such applications for uses proposed by a public authority shall include a certified copy of the law, ordinance, resolution, or other official act, adopted by the governmental entity proposing the use, authorizing the establishment of the proposed use at the proposed location.
- B. All applications shall include evidence that the proposed facility will meet the standards and requirements imposed by such agencies as the Federal Aviation Administration and all other federal, state or local statutes, ordinances, rules or regulations applicable thereto.
- C. A statement shall be provided detailing all noise abatement procedures, methods and devices that will be employed in the operation of the facility and sufficient analysis shall be presented to indicate what adjoining lands will be impacted by the anticipated noise.
- D. In the case of airports **and landing strips**, drawings shall be presented showing imaginary surfaces for the facility prepared in accordance with Federal Aviation Administration regulations. A noise contour map **shall**

be required **for airports.**

9-507

Special Exception and Special Permit Standards

No special permit use or special exception use shall be authorized unless **the Board and the BZA make a determination that the proposed use meets the general and specific standards for that particular use set forth in Article 8** and all other applicable requirements of this Ordinance. The burden of proof lies with the applicant to demonstrate that the proposed use is consistent with the purpose and intent of the applicable zoning district and satisfies the standards contained hereinafter.

9-508

Conditions

The BZA and the Board respectively, in granting special permits or special exceptions, may impose such conditions, safeguards and restrictions upon the proposed uses as may be deemed necessary in the public interest to secure compliance with the provisions of this Ordinance.

Conditions may include, but need not be limited to the following:

1. The hours of operations.
2. Access to the subject property.
3. Protection of surface and groundwater.
4. Lighting of the site, to include intensity and shielding, so as not to adversely affect adjacent or nearby property owners.
5. **The provision of** adequate sewer and water supplies.
6. **The establishment of** sound limitations as needed to ensure peaceful enjoyment of neighbors.
7. The location, size, height, design of building, walls, fences, landscaping and buffer yard.
8. **The establishment of** covenants and/or homeowners association for maintenance of applicable restrictions.
9. **Provisions relating to the** timing or phasing of development.
10. **The placement of** utilities.

11. **The** control of smoke, dust and odor.
12. Bonding as required to ensure standards are met and plans are implemented.
13. The regulation of signs

9-509

Limits on Authority

The following limitations shall apply:

1. Neither the BZA nor the Board shall have the authority to vary, modify or waive any of the regulations or standards prescribed for any use or purpose for which a special permit or special exception is required, and any such modification, variance or waiver shall *ipso facto* nullify the action of the BZA or Board in issuing, respectively, any special permit or special exception hereunder. The discretion of the BZA and Board shall be limited to determinations with respect to the standards applying to the use or purpose covered by the applicant. **However, an applicant may apply for and receive concurrent processing of a variance in accordance with the provisions of Part 3 of Article 10 of this Ordinance on an allegation of hardship involving the same property.**

2. The jurisdiction of the BZA and the Board, with respect to any use or purpose for which such body is authorized to issue, respectively, special permits and special exceptions, shall be confined to the consideration of the question of conformity to the provisions of this Ordinance. The BZA and Board shall issue respectively, the special permit or special exception applied for, subject to whatever conditions and restrictions are deemed necessary and appropriate under the provisions of Section 508 above, provided that so conditioned and restricted all applicable requirements of this Ordinance are met.

9-510

Status of Special Permit Uses and Special Exception Uses

1. Any use for which a special permit is granted by the BZA or a special exception is granted by the Board, and which complies with the specific requirements of this Ordinance and those conditions and restrictions which may be imposed in accordance with Section 508 above, shall be deemed to be a permitted use on the lot for which it was approved.

2. Once a special permit or special exception has been granted, however, the use shall not be enlarged, extended, increased in intensity or relocated unless an application is made for a new special permit or special exception; except that the **Zoning Administrator** may waive or modify requirements for obtaining additional permits for the enlarging, extending, increasing in intensity or relocation of previously approved special permit or special exception uses in unusual cases when the change is not significant.

9-511

Time Limitations, Extensions, Renewals

In addition to the time limit set forth in this Article, the BZA and the Board, respectively, may require as a condition to the issuance of any special permit or special exception, that it shall be issued for a specified period of time; that it may be subsequently extended for a designated period by the Zoning Administrator, or that it may be periodically renewed by the body granting such approval. The procedure of granting an extension or renewal shall be as presented in Sections 512 and 513 below.

9-512

Extension of Special Permit or Special Exception by the Zoning Administrator

1. The application for an extension of a special permit or special exception shall be filed with the Zoning Administrator in accordance with the provisions of **Section 505 above except that the Zoning Administrator may waive or modify the submission requirements based on the information needed to consider and act on the extension request.** The application shall be filed within thirty (30) to sixty (60) days before the expiration date of the special permit or special exception.
2. The Zoning Administrator shall inspect the use; review the applicant's record of compliance with those conditions, standards and restrictions previously imposed by the BZA or Board; and make a determination on whether the special permit or special exception use still satisfies the applicable standards of this Ordinance. The Zoning Administrator shall also notify the applicable approving authority that the request has been filed.
3. Upon a favorable finding, the Zoning Administrator shall issue an extension of the special permit or special exception for the period of time that may be specified for a particular category or

use or that may have been specified by the BZA or the Board. Upon an unfavorable finding, the application shall be denied and such an action shall be subject to appeal in accordance with the provisions of Part 2 of Article 10.

4. All ordinances and regulations, in effect at the time an application for an extension is filed, shall apply to the use in the same manner as when a new special permit or special exception is issued by the BZA or Board, except that no alteration of a structure shall be required if such structure was in conformity with the provisions of the Building Code and other applicable regulations at the time the special permit or special exception was first granted.

9-513

Renewal of a Special Permit or Special Exception by the BZA or Board

1. The procedure for the renewal of a special permit or special exception shall be the same as specified in Section 505 above for the issuance of the original permit or exception, **except that the Zoning Administrator may waive or modify the submission requirements based on the information needed to consider and act on the extension request.** The application for a renewal shall be filed ninety (90) days before the expiration date of the permit or exception.
2. All ordinances and regulations, in effect at the time an application for a renewal is filed, shall apply to the use in the same manner as when a new special permit or exception is issued by the BZA or Board except that no alteration of a structure shall be required if such structure was in conformity with the provisions of the Building Code and other applicable regulations at the time the special permit or special exception was first granted.

9-514

Expiration of a Special Permit or Special Exception

With the exception of public uses, whenever a special permit or special exception is issued by the BZA or Board, **the use authorized thereby shall be established and any construction authorized shall be diligently prosecuted within such time as the BZA or Board may have specified or the special permit or special exception shall automatically expire with notice. If no time is specified, then establishment of the use, site plan or final plat approval, building permit issuance or**

commencement of construction shall take place within thirty-six (36) months or the permit shall automatically expire. Use may be evidenced by the issuance of a Zoning Permit for the approved use. Commencement of construction may be evidenced by completion of the first required building inspection.

9-515

Revocation of a Special Permit or Special Exception

1. Unless a time limit is specified for a special permit or special exception, the same shall be valid for an indefinite period of time but shall be revocable on the order of the BZA or Board at any time because of the failure of the owner or operator of the use covered by the permit or exception to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions in connection with the special permit or special exception that were designated in issuing the same.
2. Before revoking any special permit or special exception, however, the BZA or Board shall give the holder thereof at least fifteen (15) days written notice of violation. The BZA or Board shall hold a hearing on the revocation of the permit or exception and shall give the applicant at least fifteen (15) days advance written notice of the hearing date.
3. The foregoing provisions shall not be deemed to preclude the use of the other remedies prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.

9-516

Contesting a Special Exception Decision

Every action contesting a decision of the Board granting or failing to grant a special exception shall be filed within thirty (30) days of such decision with the Circuit Court having jurisdiction of the land affected by the decision. However, nothing in this subsection shall be construed to create any new right to contest the action of a local governing body.

PART 6

9-600 ADMINISTRATIVE SPECIAL PERMITS

9-601

Submission of Requests

Upon application as provided for in Section 102 above, the Zoning Administrator may issue an administrative special permit for uses listed as **uses permitted by administrative permit in Articles 3, 4, 5, and 6 of this Ordinance. These uses include specified residential, temporary uses and the land application of biosolids.**

9-602

Issuance of Administrative Permits

Applications for administrative permits shall be submitted in accordance with a time schedule established by the Zoning Administrator but such submission shall in no case be less than three (3) weeks prior to a desired approval date. Required submission materials shall be as established by the Zoning Administrator, but shall not exceed the submission requirements for regular special permits. The Zoning Administrator shall review the application for conformance with the general standards for special permits in Article 8 and all additional standards and regulations contained in this Ordinance. Upon finding that the application sufficiently complies with all standards and regulations, the Zoning Administrator shall issue the administrative special permit, setting forth the duration of the permit and specifying such conditions as to location of the use, parking, traffic access, screening and safety requirements as are necessary to protect the health, safety and general welfare of the public and which will protect adjoining properties from adverse effects of the requested use.

9-603

Additional Requirements for Administrative Permits for Temporary Uses

In addition to the requirements stated in Sections 601 and 602 above, the following apply to temporary uses:

1. An administrative temporary special permit shall not exceed the time limit specified for a given use. Any request for a longer period of time, or any renewal or extension of such a permit, shall be approved by the BZA, subject to the same procedure as specified in **Section 505** above for the original

issuance of a special permit. An application for any such approval by the BZA shall be filed ninety (90) days prior to the date on which the permit is to take effect.

2. The Zoning Administrator may revoke a temporary special permit (whether it was issued administratively or otherwise) at any time upon the failure of the owner or operator of the use covered by the permit to observe all requirements of the law with respect to the maintenance and conduct of the use and all conditions in connection with the permit that were designated in issuing the same. Notice of such revocation shall be made by letter from the Zoning Administrator to the owner or operator of the use for which the permit has been granted, hand-delivered or mailed, return receipt requested, setting forth the grounds upon which the revocation is effective and informing the owner or operator of the appeals procedure. Upon receipt of such notice the owner or operator of such activity shall close operation of the activity forthwith. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.
3. In the case of an appeal from the revocation of a temporary special permit, the aggrieved party may request a meeting with the Zoning Administrator to present his grounds for appeal. The Zoning Administrator shall meet with the aggrieved party within forty-eight (48) hours of the date upon which the appeal is received. Within twenty-four (24) hours after the date of the meeting the Zoning Administrator shall inform the aggrieved party, in writing, of his decision to affirm, modify or rescind the revocation of the temporary permit.

9-604

Additional Requirements for Administrative Permits for Land Application of Biosolids

All applications for administrative special permits for such uses shall be accompanied by the following, except that amendments to the request for additional lands shall not require items 3 and 4 below.

1. Written application **in a form approved by the Zoning Administrator** setting forth:
 - A. The name, telephone number, and address of the applicant.
 - B. A description of the property on which the **biosolid** is be

applied, including the Parcel **Identification** Number and number of acres.

- C. The name and location and mailing address of the owner/lessee of such property.
 - D. A general schedule of the rates of **biosolids** application which the applicant intends to apply.
 - E. The name, address and telephone number of the person including all subcontractors, who will or may spread or apply the **biosolids** to that particular property.
 - F. A plan or map, drawn to scale of 1:400, showing the land area to be covered by the application, and actual fields (labeled with **field number** and acreage); to which **biosolids** will be applied, and an insert map showing the location of the land area in relation to the surrounding area
 - G. The time period to be covered by the permit, not to exceed five (5) years.
- 2. A copy of the appropriate **State Agency's No Discharge Certificate**.
 - 3. The applicant shall submit, at the time of each application, proof of liability insurance in the aggregate amount of \$1,000,000.00 covering all losses and claims arising out of hauling or land application of **biosolids**, and all other activities performed under the permit. Such insurance shall be maintained in force and effect through the term of the permit.
 - 4. A map indicating the route(s) of the transporting vehicles to and from the application site which shall be approved by the Zoning Administrator as constituting the most safe route(s) taking into account the travelway, surface, geometric design and traffic volumes.
 - 5. Copy of the property owners consent statement when the owner is not signatory to the request for land application of **biosolids**.
 - 6. A statement signed by the property owner(s) authorizing representatives of Fauquier County access anywhere on the owner(s) land for the purpose of inspecting the land application process.

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PART 7

9-700 SITE PLANS

9-701

The Requirement for Site Plans

Site plan approval is required prior to the development of any land when the uses occur within the following categories:

1. **All uses in the commercial and industrial districts, including the PCID special planned district.**
2. **All permitted uses in the rural and residential districts, including the PRD planned district, except for:**
 - A. **Agricultural structures**
 - B. **Single-family detached dwellings**
 - C. **Accessory uses and structures allowed pursuant to Part 1 of Article 8**
3. **Special exception and special permit uses for which the Board or BZA require a site plan as a condition of approval.**
4. **When an alteration or amendment is proposed to a previously approved site plan.**
5. **When an existing residential use is proposed for a change to a commercial, industrial or multi-family residential unit.**
6. **All public buildings and institutions.**

For uses requiring site plan approval no zoning permit shall be issued until a site plan shall have been submitted and approved **by the Director or his designee** in accordance with the provisions set forth in this Article. A site plan will not, however, be required for the repair or rehabilitation of an existing structure when such work does not involve and is not related to either a change in use or an increase in the intensity of the use, as determined by the Director. **In addition to the site plan regulations of this Article, site plans**

shall conform with all applicable standards and regulations contained in Part 2 of Article 8.

9-702

Waivers

1. The Director may waive the site plan approval requirement based on a determination that:
 - A. No improvement would be required for the proposed use which might involve surety bonding.
 - B. The proposal will not involve an increase in the intensity of the existing use with respect to entrances, travelways, parking or impact on neighboring lands.
 - C. The proposal will result in not more than a 25% increase in either the gross floor area of the structure housing the use or in the outdoor area used.
 - D. The proposal shall not involve a change in the type of use as categorized in Articles 3-7.
 - E. No approval for the proposal is required by County Ordinances from any state agency other than Health Department approval for septic/drainfield or well systems.
 - F The requirement for a site plan would not forward the purposes of this Ordinance or otherwise serve the public interest.
2. Any requirement of this Article relating to site plan submission, preparation and processing may be waived or modified by the Director upon written petition where the applicant has established and the Director finds that strict enforcement of this requirement is either unnecessary or would create an undue hardship provided such a waiver or modification, as requested,

shall not be adverse to the purpose of the provision being waived.

9-703

Minor Site Plans

Where site plans are required, the Director may determine that the purposes of this Ordinance and the public interest can be served by submission and approval of a minor site plan. A minor site plan

may be deemed appropriate for uses that are of such scale and impact that the more detailed and complete site plan submission and review requirements are not necessary. Applications for minor site plans may be submitted at any time. Upon receipt of a minor site plan application the Director or his designated agents shall determine within seven (7) working days if the application materials meet the submission requirements. If they do, the application shall be determined to be officially filed and the Director shall have twenty-one (21) days **thereafter** to approve, approve with conditions or deny the minor site plan. If the application is incomplete, it shall be returned to the applicant for corrective action.

9-704

Minor Site Plans-Pre-application Meeting

A pre-application meeting between the applicant and the staff of the Department of Community Development shall be held **at which time** the applicant shall present a preliminary or sketch site plan showing:

1. Boundary lines of subject property;
2. Existing land conditions and existing topography at a maximum of ten (10) foot contour intervals;
3. General layout design of proposed development on a scale not smaller than one (1) inch equals one hundred (100 feet);
4. General parking and landscape layout;
5. Building setback lines; and
6. Zoning on subject and adjacent parcels.

9-705

Minor Site Plan Submission Requirements

Subsequent to and based on the results of the pre-application

conference a complete minor site plan shall be submitted. Ten (10) copies of the plan shall be submitted. The site plan shall show the name and address of the owner or developer, magisterial district, county, state, north point, date, scale of drawings and number of sheets. In addition, it shall reserve a blank space four (4) inches by four (4) inches in size on the plan face for the use of the approving authority. **The plan shall also include all of the elements listed below that are identified at the pre-application**

meeting as being required:

- A. Location of tract or parcel by vicinity map at a scale of one (1) inch equals 2,000 feet, and landmarks sufficient to properly identify the location of the property.
- B. A boundary survey of the tract or site plan limit, **prepared in conformance with current Commonwealth of Virginia survey standards**, showing the location and type of boundary evidence and the area of the site.
- C. A certificate signed by the engineer or surveyor setting forth the source and title of the owner of the tract, the owner's name and the place of record of the last instrument in the chain of title (including the deed book and page number reference).
- D. Existing and proposed streets and easements, their names, numbers and width, existing and proposed utilities of all types, water courses and their names, owner, zoning and present use of adjoining tracts.
- E. Location, type and size of ingress and egress of the site.
- F. Location, type, size and height of all fencing, screening and retaining walls where required under the provisions of applicable ordinances.
- G. All off-street parking, **including handicap parking**, and parking bays, loading spaces and walkways indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required in accordance with this Ordinance. All spaces shall have adequate space for moving and turning.
- H. Number of floors, floor area, height and location of each building, and proposed general use for each building, **and** if single family detached or multi-family, the number, size and type of dwelling units shall be shown.
- I. Front elevations shall be shown to scale.
- J. Existing and proposed water and sanitary sewer facilities indicating all pipe sizes, types and grades and where connection is to be made to an existing or a proposed central water and sewer system.

- K. Adequate provision for the disposition of natural and storm water with respect to quality and quantity.
- L. Provision and schedule for the adequate control of erosion and sedimentation indicating proposed temporary and permanent control practices and measures which shall be implemented during all phases of clearing, grading and construction.
- M. Existing topography accurately shown with a maximum of two (2) foot contour intervals at a scale of not less than fifty (50) feet to the inch.
- N. Proposed finished grading by contour supplemented where necessary by spot elevations.
- O. All horizontal dimensions shown on the site development plan shall be in feet and decimals of a foot to be closest to one hundredth of a foot, and all bearings in degrees, minutes and seconds to the nearest ten seconds.
- P. A tree preservation and landscaping plan **in accordance with Part 12 of Article 8.**
- Q. Written and signed statements from the appropriate officials concerning the availability of gas, electricity, water and sewer to the project.
- R. Site plans for the expansion of an existing use on the same lot or onto an adjacent lot will show all existing facilities as well as those proposed.
- S. Bond estimates for the construction of required physical improvements within a public right-of-way or easement, or required improvements that will be connected to any public facility.
- T. The location for trash receptacles on the site and proposed measures for adequately screening and fencing the receptacles.

9-706

Approval of Minor Site Plans

The Director shall have twenty-one days after an applications has been determined to be officially filed to approve, approve with conditions or deny the minor site plan.

Major Site Plans

An application for a major site plan shall be submitted to the Department of Community Development on forms approved by the Department. The application shall be accompanied by the submission items required in Section 9-708, below, and the payment of any required application fees. Major site plans may be submitted at any time.

9-708

Required Major Site Plan Submission Items

Every **application for a major site plan** shall be submitted with ten (10) copies of required plans and supporting materials. Plans shall be prepared to the scale of one (1) inch equals fifty (50) feet or larger **with** no sheet exceeding thirty (30) by forty-two (42) inches in size. The site plan may be prepared on one or more sheets. If prepared on more than one sheet, match lines shall clearly indicate where the several sheets join. The site plan or any portion thereof, involving engineering, architecture, city planning, urban design, landscape architecture or land surveying, shall be prepared by persons qualified to do such work. Major site plans shall be certified by an architect, engineer, or land surveyor within the limits of their respective licenses authorizing them to practice by the Commonwealth of Virginia.

The site plan shall show the name and address of the owner or developer, magisterial district, county, state, north point, date, scale of drawings and number of sheets. In addition, it shall reserve a blank space four (4) inches by four (4) inches in size on the plan face for the use of the approving authority.

The site plan shall contain the following additional information and specific items:

1. The type of use and zoning category under which the proposed development is being filed, the zoning and present use of the subject and adjacent parcels, and **the density or floor area ratio allowed, minimum lot, building, and district size and landscape requirements as stated in Articles 3 through 7 of this Ordinance.**
2. The general notes shall indicate whether the development is allowed by-right or whether a special permit or special exception is required. **If a special exception or permit was required, the plan shall show** the date such permits were approved and all required conditions.

3. Location of tract or parcel by vicinity map at a scale of one (1) inch equals 2,000 feet, and landmarks sufficient to properly identify the location of the property.
4. A boundary survey of the tract or site plan limit, **prepared in conformance with current Commonwealth of Virginia survey standards**, showing the location and type of boundary evidence and the area of the site.
5. A certificate signed by the engineer or surveyor setting forth the source and title of the owner of the tract, the owner's name and the place of record of the last instrument in the chain of title (including the deed book and page number reference).
6. Existing and proposed streets and easements, their names, numbers and width, existing and proposed utilities of all types, water courses and their names, owner, zoning and present use of adjoining tracts.
7. Location, type and size of ingress and egress of the site.
8. Location, type, size and height of all fencing, screening and retaining walls where required under the provisions of applicable ordinance.
9. All off-street parking and parking bays, loading spaces and walkways indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required in accordance with this Ordinance. All spaces shall have adequate space for moving and turning. Handicap parking spaces shall be in addition to parking requirements specified elsewhere in this Ordinance.
10. Number of floors, floor area, height and location of each building, and proposed general use for each building if single family attached or multi-family, the number, size and type of dwelling units shall be shown.
11. Front elevations shall be shown to scale.
12. Existing and proposed water and sanitary sewer facilities indicating all pipe sizes, types and grades and where connection is to be made to an existing or a proposed central

water and sewer system.

13. Adequate provision for the disposition of natural and stormwater with respect to quality and quantity. Direction and type (concentrated, sheet, etc.) of drainage from any storm water control structures. Where drainage does not discharge directly into an existing drainage-way, drainage easements where necessary shall be obtained from adjacent property owners.
14. Provision and schedule for the adequate control of erosion and sedimentation indicating proposed temporary and permanent control practices and measures which shall be implemented during all phases of clearing, grading and construction.
15. Existing topography accurately shown with a maximum of two (2) foot contour intervals at a scale of not less than fifty (50) feet to the inch.
16. Proposed finished grading by contour supplemented where necessary by spot elevations.
17. All horizontal dimensions shown on the site development plan shall be in feet and decimals of a foot to be closest to one hundredth of a foot, and all bearings in degrees, minutes and seconds to the nearest ten seconds.
18. A **tree preservation and landscaping plan as required by Part 12 of Article 8 and the location of** all existing individual trees (by common name) with greater than six inch caliper, tree masses covering an area of over 1,000 sq. ft. and rock outcrops with an area of over 100 sq. ft.
19. Written and signed statements from the appropriate officials concerning the availability of gas, electricity, water and sewer to the project.
20. Site plans for the expansion of an existing use on the same lot or onto an adjacent lot will show all existing facilities as well as those proposed.
21. Right-of-way lines, centerlines, departing lot lines, lot numbers, subdivision limits, limits of construction, and building location.

22. Centerline curve data, including delta radius arc and cord and tangent.
23. Radius of all curb returns to face of curb. On streets where curb and gutter are not required, indicate radius to edge of bituminous treatment.
24. Street names and state route numbers on all existing streets in vicinity.
25. The edge of proposed street surface or the face of curb, as the case may be, for full length of all streets.
26. The width of rights-of-way and all easements, and the width of surface or distance between curb faces and relation to centerline. Easements and rights-of-way of all utilities shall be clearly defined for the purpose intended, and whether they are to be publicly or privately maintained.
27. When proposed streets intersect with or adjoin existing streets or travelways, both edges of existing pavement surface or curb and gutter must be indicated for a minimum of 100 feet or the length of connection, whichever is the greater distance.
28. Existing and proposed drainage easements and the direction of drainage flow in streets, storm sewer, valley gutters, streams and sub-drainage, etc.
29. All water mains, sizes, valves, and fire hydrant locations.
30. All sanitary and storm sewers and appurtenances, identifying appurtenances by type and number; the station on the plan must conform to the station shown on the profile. Indicate the top and invert elevation of such structure.
31. The contributing drainage area in acres (statistically). Show all culvert, pipe curb inlets and other entrances exclusive of driveway pipes.
32. Floodplain limits which shall be established by current soil survey and/or engineering methods.
33. The location of all or any springs either within or draining to street right-of-way and indicate proposed method of treatment.

34. The location of the streams or drainage ways related to the street construction as proposed by the developer and proposed drainage ditches or stream relocation. Easements shall not be considered part of the street right-of-way. Furnish detailed typical drainage section and type of stabilization. Type of stabilization to be approved by the Director and the Resident Engineer for VDOT.
35. Type or class of concrete or treated metal drainage pipe to be installed and paved roadside ditches as required.
36. Location of no-through street signs where required on cul-de-sac streets or temporary cul-de-sac streets.
37. The proper driveway entrance type, computed culvert size, and/or VDOT design designation.
38. Provision at ends of curb and gutter for erosion control.
39. Typical street sections to be used on the site development plan.
40. Symmetrical transition of pavement at intersection with existing street. Indicate road edge delineators.
41. Connection to proposed VDOT construction when necessary.
42. A minimum of two (2) datum references for elevations used on plans and profiles and correlation, where practical, to U.S. Geological Survey datum.
43. Any necessary notes that may be required to explain the intent and purposes of specific items on the plan or profile.
44. Wells on adjoining property and within five hundred (500) feet of the subject parcel's property lines shall be indicated when water on the subject parcel is to be provided by an on-site well.
- 45. A lighting plan pursuant to Part 13 of Article 8.**
- 46. The location for trash receptacles on the site and proposed measures for adequately screening and fencing the receptacles.**
47. Bond estimates for the construction of required physical improvements within a public right-of-way or easement, or required improvements that will be connected to any public

facility.

9-709 Profile Requirements

Profiles shall be submitted for all sanitary and storm sewers, streets and curbs adjacent thereto, and other utilities, and shall be submitted on standard federal aid plan and profile sheets. Special studies as required may be submitted on standard cross section paper and shall have a scale of one (1) inch equals fifty (50) feet horizontally and one (1) inch equals five (5) feet vertically. No sheet size shall exceed forty-two (42) inches. Required floodplain limit studies be shown on profile sheets with reference to properties affected and centerline of stream.

9-710 Required Notice

The applicant shall provide, at the time of submission, proof that all owners of property adjacent to the real property, upon which the site plan has been submitted, have been notified that a site plan has been submitted. Said notice shall include a description of the property covered by the site plan, the proposed use to be made of the property under the site plan, a statement that a copy of the proposed plan can be reviewed at the Department of Community Development, and that comments on the proposed site plan can be made to the Director of Community Development or his designee.

9-711 Review and Approval of Major Site Plans

1. Upon submission of an application for approval of a major site plan, the Director shall forward a copy of the submission to all appropriate state or local agencies for review. The Director shall act upon the application within thirty-five (35) days of receipt of all approvals from reviewing agencies, provided however, that the Director shall in no event have more than sixty (60) days from the date the application was officially accept to approve, approve with conditions, or deny the application for major site plan approval. If the Director denies the application, written notice of the denial setting forth the reasons therefor and the corrections or modifications necessary for approval shall be sent to the applicant.

2 No change, revision or erasure shall be made on any pending or final site plan or on any accompanying data sheet where approval has been endorsed on the plat or sheets unless authorization for such changes is granted in writing by the Director.

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3. Approval of a site plan pursuant to this Ordinance shall expire 18 months after the date of approval unless building permits have been obtained for construction. Extensions may be granted upon written request by the applicant to the Director prior to lapse of approval, and extension of all bond and surety agreements.
4. Any site plan may be revised, provided a request for revision shall be filed and processed in the same manner as the original site plan.
5. Any applicant aggrieved by a decision of the Director with respect to approval or denial of a site plan may appeal to the Board of Zoning Appeals within thirty (30) days of the decision. For purposes of this section the term “person aggrieved” shall mean the applicant and any person who owns real property which is located adjacent to a parcel upon which a site plan has been filed.

PART 8

9-800 PLANNING COMMISSION PERMITS

9-801

The Requirement for a Planning Commission Permit

Section 15.2-2232 of the Code of Virginia, as amended, requires Planning Commission review of specified public improvements and a finding that the improvement is in substantial conformance with the Comprehensive Plan; unless such improvements are already shown on the adopted Comprehensive Plan. The improvements requiring a Planning Commission permit include the construction, establishment or authorization of streets or connections to existing streets; parks or other public areas; public buildings or public structures; and public utility facilities or public service corporation facilities other than railroads.

9-802

Application for a Planning Commission Permit

If a Planning Commission permit is required pursuant to the Code of Virginia, an application shall be filed pursuant to Section 102 above. If this permit is part of an action or development requiring other approvals under this Ordinance, the Planning Commission permit application shall be filed in conjunction with the other application.

9-803

Planning Commission Action

The Planning Commission shall hold a public hearing on the request with notice provided in accordance with Section 9-106 above. Following the hearing, the Planning Commission shall review the application to determine if the feature for which approval is sought is substantially in accordance with the Comprehensive Plan. The Planning Commission shall communicate to the Board within sixty (60) days of the public hearing its findings, indicating its approval or disapproval with written reasons therefor. Failure of the Planning Commission to act within sixty-(60) days of the public hearing shall be deemed approval, unless such time shall be extended by the Board. Notwithstanding the above, a Planning Commission action on a permit which is a component of a development action requiring additional approvals, such as a special exception, may be deferred by the Commission with the concurrence of the applicant pending action of the separate request.

9-804

Board Action

Within sixty (60) days after the Planning Commission has acted or failed to act, the Board of Supervisors may overrule the action of the Planning Commission by a vote of the majority of the membership of the Board.

9-805

Appeal

Within ten (10) days of the decision of the Planning Commission, the applicant may appeal the Commission's decision to the Board by filing a written petition with the Director setting forth the reasons for the appeal. The appeal shall be heard by the Board and determined within sixty (60) days from the filing of the appeal.

PART 9

9-900 ZONING PERMITS

9-901

Zoning Permit Required

No use permitted by right, by special permit or special exception shall be established on a parcel prior to the issuance of a zoning permit by the Zoning Administrator. No excavation or grading of a parcel shall be begun before the issuance of a zoning permit therefore by the Zoning Administrator. No Building Permit shall be issued prior to the issuance of a zoning permit. Notwithstanding the above, no zoning permit shall be required for the following uses or structures:

1. Agriculture, horticulture or forestry uses,
2. Lawful structures not exceeding 150 square feet in floor area,
3. Any use specified in the Virginia Statewide Uniform Building Code, Section 105.1, Exceptions,

Provided, however, that all structures, regardless of whether they require a zoning permit shall meet all minimum yard requirements contained in this Ordinance.

9-902

Structures in Violation

No zoning permit shall be issued where the structure to be constructed or the use contemplated would violate any provision of this Ordinance or any other applicable law, ordinance or regulation.

9-903

Forms and Information Required

An application for a zoning permit shall be made to the Zoning Administrator on forms to be provided by the Zoning Administrator. Each application for a zoning permit shall be accompanied by the following items, or as much thereof, as the Zoning Administrator deems pertinent and such additional information as the Zoning Administrator may require as being pertinent:

1. Certificate from the Health Officer that the proposed location meets the requirements of the Health Department from the standpoint of water supply and sewage disposal, or where a

public water and/or sewage system is involved, a statement from the system(s) management that all applicable regulations and requirements have been complied with. No zoning permit shall be issued for a use to be served by central water or sewage system which system is not complete, approved by proper authority and physically capable of providing service at the time of the issuance of the zoning permit. However, the requested permit may be issued if the Administrator determines that any necessary water and/or sewage system construction and/or improvement will be complete, approved and operational by the time the proposed structure will be ready for occupancy. This determination will be based on the developer's construction schedule and/or statements of the management of the system(s) involved.

2. A grading permit if required.
3. The intended use.
4. If a dwelling, the number of families or housekeeping units.
5. A plot plan signed by the applicant drawn to scale showing dimensions of the structure with respect to property lines and public highways; provided, however, that no plot plan shall be required in the case of any dwelling, no part of which is to be located less than ten (10) feet from any property line or right-of-way of any public highway.
6. An entrance permit if required by VDOT regulations.

9-904

Issuance and Renewal of Permit

If it appears that the proposed structure and use of land or structure is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a zoning permit to the applicant. Any zoning permit issued shall become invalid if the authorized work is not commenced within six (6) months of the date of issuance, or is suspended or abandoned for a period of six (6) months; provided that the Zoning Administrator may, without charge, renew a zoning permit for one additional period not exceeding six (6) months.